

Notice of Allowability	Application No.	Applicant(s)	
	10/616,592	SCAFIDEL, B.J.	
	Examiner	Art Unit	
	Victor K. Hwang	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application as filed July 10, 2003.
2. ☒ The allowed claim(s) is/are 1,4-10 and 12-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20050926</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Schwartz on September 26, 2005.

2. The application has been amended as follows:

In the Claims:

1. (Currently Amended) An exercise device, comprising :
 - (a) a hollow housing;
 - (b) a plurality of loose weights contained in said housing; ~~and~~
 - (c) first and second handles located on opposite sides of said housing, and adapted for being gripped by a user to lift and hold said exercise device; and
 - (d) an outer casing surrounding said housing, said casing comprising first and second pairs of integrally-formed handle flanges for attaching said first and second handles.
2. (Cancel)
3. (Cancel)

4. (Currently Amended) An exercise device according to claim 3 1, wherein said housing comprises a cylindrical container cradled within said outer casing.

5. (Original) An exercise device according to claim 4, wherein said first and second handles extend perpendicular to a longitudinal axis of said cylindrical container.

6. (Original) An exercise device according to claim 5, wherein said casing is formed of a molded plastic material.

7. (Original) An exercise device according to claim 1, wherein said weights comprise rolling metal objects.

8. (Original) An exercise device according to claim 7, wherein said metal objects comprise shot pellets.

9. (Original) An exercise device according to claim 8, wherein said pellets occupy between 50% and 90% of the volume inside said hollow housing.

10. (Currently Amended) An exercise device, comprising :

- (a) an outer casing;
- (b) a hollow cylindrical housing located inside said casing;
- (c) a plurality of loose weights contained in said housing; and

(d) first and second handles attached to said casing on opposite sides of said housing, and adapted for being gripped by a user to lift and hold said exercise device, wherein said casing comprises first and second pairs of integrally-formed handle flanges for attaching said first and second handles.

11. (Cancel)

12. (Currently Amended) An exercise device according to claim ~~11~~ 10, wherein said first and second handles extend perpendicular to a longitudinal axis of said cylindrical housing.

13. (Original) An exercise device according to claim 12, wherein said casing is formed of a molded plastic material.

14. (Original) An exercise device according to claim 10, wherein said weights comprise rolling metal objects.

15. (Original) An exercise device according to claim 14, wherein said metal objects comprise shot pellets.

16. (Original) An exercise device according to claim 15, wherein said pellets occupy between 50% and 90% of the volume inside said hollow housing.

17. (Cancel)

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
September 26, 2005

JEROME W. DONNELLY
PRIMARY EXAMINER

